

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AUTHOR J. MANNING, JR.,

Plaintiff,

V.

PARAMOUNT, et al.,

Defendants.

Case No. 6:23-cv-444-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE IN PART**

Plaintiff Author J. Manning, Jr. brought this pro se copyright action against Defendant Paramount in state court on May 9, 2023. Paramount subsequently removed the case to federal court. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case. On September 28, 2023, Plaintiff filed an amended complaint adding several new defendants. Docket No. 11.

On February 4, 2024, Judge Love issued a Report *sua sponte* recommending that the Court dismiss the Plaintiff's remaining claims in this case for failure to prosecute, lack of proper service, and failure to comply with the Court's previous orders to serve the remaining Defendants in this case. Docket No. 49. No objections to the Report were filed, and the period in which to do so has passed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 49) as the findings of this Court. It is therefore **ORDERED** that all of Plaintiff's remaining claims against all Defendants in this case are **DISMISSED** without prejudice for failure to prosecute, lack of proper service, and failure to comply with a Court order.

So **ORDERED** and **SIGNED** this **7th** day of **March, 2024**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE